

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ALBERTO JOSE CORPUS,
Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,
Defendant.

Case No. 1:25-cv-00067-CDB (SS)

ORDER ON STIPULATED REQUEST FOR
AWARD OF ATTORNEY FEES
PURSUANT TO THE EQUAL ACCESS TO
JUSTICE ACT, 28 U.S.C. § 2412(d)

(Doc. 20)

Pending before the Court is the stipulated request of Plaintiff Alberto Jose Corpus (“Plaintiff”) for the award of attorney’s fees pursuant to the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412(d), in the amount of \$8,000.00 to counsel for Plaintiff, Francesco Paulo Benavides. (Doc. 20).¹

The parties agree that an award of attorney’s fees to counsel for Plaintiff should be made payable to Plaintiff, but if the Department of the Treasury determines that Plaintiff does not owe a federal debt, then the Commissioner shall cause the payment of fees, expenses, and costs to be made directly to Plaintiff’s counsel, Francesco Paulo Benavides. *Id.* at 2.

On July 8, 2025, the Court granted the parties’ stipulated request for voluntary remand and

¹ Both parties have consented to the jurisdiction of a U.S. magistrate judge for all proceedings in this action, in accordance with 28 U.S.C. § 636(c)(1). (Doc. 9).

1 remanded the case pursuant to sentence four of 42 U.S.C. § 405(g) to the Commissioner for
2 further proceedings. (Doc. 18). Judgment was entered the same day. (Doc. 19). On July 18,
3 2025, Plaintiff filed the pending stipulation for attorney fees as a prevailing party. (Doc. 20).
4 See *Shalala v. Schaefer*, 509 U.S. 292, 300-02 (1993) (concluding that a party who prevails with
5 a sentence-four remand order under 42 U.S.C. § 405(g) is a prevailing party). Plaintiff's filing
6 is timely. *Van v. Barnhart*, 483 F.3d 600, 607 (9th Cir. 2007). The Commissioner does not
7 oppose the requested relief. (Doc. 20).

8 The EAJA provides for an award of attorney fees to private litigants who both prevail in
9 civil actions (other than tort) against the United States and timely file a petition for fees. 28
10 U.S.C. § 2412(d)(1)(A). Under the EAJA, a court shall award attorney fees to the prevailing
11 party unless it finds the government's position was "substantially justified or that special
12 circumstances make such an award unjust." *Id.* Here, the government did not show its position
13 was substantially justified and the Court finds there are no special circumstances that would make
14 an award unjust. Moreover, the government does not oppose Plaintiff's stipulated request. See
15 *Sanchez v. Berryhill*, No. 1:16-cv-01081-SKO, 2018 WL 509817, at *2 (E.D. Cal. Jan. 23, 2018)
16 (finding position of the government was not substantially justified in view of the Commissioner's
17 assent to remand); *Knyazhina v. Colvin*, No. 2:12-cv-2726 DAD, 2014 WL 5324302, at 1 (E.D.
18 Cal. Oct. 17, 2014) (same).

19 Plaintiff requests an award of \$8,000.00 in EAJA fees. (Doc. 20). The Ninth Circuit
20 maintains a list of the statutory maximum hourly rates authorized by the EAJA, adjusted for
21 increases in the cost of living, on its website.² Under the applicable rate of \$251.84, the requested
22 award would amount to approximately 32 hours of attorney time (not accounting for any
23 paralegal time expended). The Court finds this reasonable and commensurate with the number
24 of hours an attorney would need to have spent reviewing the certified administrative record in
25 this case (approximately 1,079 pages; Doc. 10) and preparing a motion for summary judgment
26 that presented three legal issues and approximately 17 pages of argument. (Doc. 11 at 12-29).
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28 ² *Statutory Maximum Rates Under the Equal Access to Justice Act*, available at <https://www.ca9.uscourts.gov/attorneys/statutory-maximum-rates/> (last visited July 21, 2025).

1 With respect to the results obtained, Plaintiff's counsel obtained a favorable judgment remanding
2 the case for further proceedings. (Docs. 18, 19).

3 EAJA fees, expenses, and costs are subject to any offsets allowed under the Treasury Offset
4 Program ("TOP"), as discussed in *Astrue v. Ratliff*, 560 U.S. 586 (2010). If the Commissioner
5 determines upon effectuation of this order that Plaintiff's EAJA fees are not subject to any offset
6 allowed under the TOP, the fees shall be delivered or otherwise transmitted to Plaintiff's counsel.

7 Accordingly, it is HEREBY ORDERED:

- 8 1. The parties' stipulated request for attorney's fees pursuant to the EAJA (Doc. 20) is
9 GRANTED; and
- 10 2. The Commissioner is directed to pay to Plaintiff as the prevailing party attorney's fees in
11 the amount of \$8,000.00, pursuant to the terms set forth in the parties' stipulation. (Doc.
12 20). Fees shall be made payable to Plaintiff, but if the Department of the Treasury
13 determines that Plaintiff does not owe a federal debt, then the government shall cause the
14 payment of fees, expenses, and costs to be made directly to Plaintiff's counsel, as set forth
15 in the stipulation.

16 IT IS SO ORDERED.

17 Dated: July 21, 2025


UNITED STATES MAGISTRATE JUDGE

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